

North Smithfield Zoning Board of Review

Meeting Minutes of April 3, 2007

The North Smithfield Zoning Board of Review met on Tuesday, April 3, 2007, at 7:00 PM at Kendall Dean School, 83 Greene Street, Slatersville, RI 02876.

Call to Order: The Chair called the meeting to order at 7:03 pm.

I. Call of the Roll

Chair Stephen Kearns called the roll of the members. Present: Stephen Kearns, Vincent Marcantonio, William Juhr, Steven Scarpelli, Guy Denizard, and Dean Naylor. Also present were the Assistant Solicitor, Robert Rossi, Esq.; Robert Benoit, Building and Zoning Official; and a court stenographer from Allied Court Reporters. Absent: Mario DiNunzio.

The Chair reviewed procedures of the board for all present. The Chair also stated that at the March 20, 2007, a member of the public had requested to cross-examine a witness. The Chair informed the audience members that the rules of the Zoning Board do state that a member of the public does have the right to cross-examine a witness at a Zoning Board hearing.

II. Approval of Decisions—February 20 and March 6, 2007

Mr. Scarpelli made a motion to ratify the decision of February 20, 2007

to deny the application of Rita A. Turcotte, requesting a dimensional variance from section 5.5, subsection 5.5.1. Locus is Rue de St. Jude, Plat 17, Lot 184. Mr. Denizard seconded the motion, with all members voting aye. Motion to ratify the decision was passed by a vote of 5-0.

Mr. Denizard made a motion to ratify the decision of March 6, 2007 to deny the appeal by Jeffrey Piette of a Planning Board Decision of July 20, 2006 and recorded October 20, 2006 and the application of Jeffrey Piette a dimensional variance from Section 5.5.1 “Building Setbacks” and from Section 6.2 “Street Access to Buildings”. Locus is Annette Avenue Tax Assessor’s Plat 9 Lot 191. Mr. Scarpelli seconded the motion, with all members voting aye. Motion to ratify the decision was passed by a vote of 5-0.

III. Application of Raymond and Carol Church, requesting a dimensional variance from section 5.5, subsection 5.5.1 Building Setbacks. Locus is 52 Main Street, Plat 4, Lot 127.

Attorney William Savastano addressed the Board, representing the applicant. Mr. Savastano stated that the applicant is requesting a dimensional variance in order to build an addition onto his house located at 52 Main Street. The Chair asked Mr. Savastano if the number of living units in the house is going to increase, to which Mr. Savastano replied no; the addition will be renovation to one side of the duplex, but with no addition of number of units. The house will remain a side-by-side duplex, with 2 separate living units.

The applicant presented the following exhibits:

P1) A petition supporting the applicant's request, signed by 12 abutters to the property, indicating their approval of the granting of the dimensional variance being sought.

P2) A site plan prepared by Marc N. Nyberg Associates.

P3) A 2-page plan of the proposed addition, prepared by architect Stephen Greenleaf.

P4) A letter from Christopher J. Luttmann, M.D.

The Chair asked Mr. Church what his primary residence is, since the property in the application is 52 Main Street, but the application he filled out states his address is 6 Sunnycrest Drive. Mr. Church replied that he owns both houses and lives at 6 Sunnycrest, but he plans to sell that house and move to the duplex at 52 Main Street. The reason for his planned move is to relocate to a smaller residence with the living space mainly on one-level. The letter from Dr. Luttmann supports this desire, stating that the doctor feels that "from a cardiac standpoint, it would benefit him greatly to have his living quarters on one floor." Mr. Church stated that his daughter lives in the other unit of the duplex and he would like to retire to the 52 Main Street residence to enjoy the yard and be close to his family. He stated that he had lived in this house previously for 10 years, before moving to the house at 6 Sunnycrest. Mr. Church stated that he would like to sell the Sunnycrest property and move into Main Street property within the next couple of months.

Mr. Savastano stated that the applicant is not modifying the residence for financial gain, but because he has problems walking up stairs and desires a one-level residence. Mr. Church stated that the upstairs of the duplex will be used for storage. Mr. Savastano stated that the proposed modifications to the property will be consistent with other houses in the neighborhood. Mr. Marcantonio asked Mr. Church if he would consider making the porch 4'6" wide, rather than 6', as shown on the plans. Mr. Church stated that as long as there is enough room for chairs on the porch, he would be amenable to changing the width.

Architect Stephen Greenleaf was sworn in by the court stenographer. Mr. Juhr asked Mr. Greenleaf if there was an architectural reason why the house could not be expanded to the back, rather than the side. Mr. Greenleaf replied that the lot is long and narrow. Because of the shape of the lot, and because the house is a duplex, Mr. Greenleaf stated there is only one way to add onto the house. He stated to that adding on to the back of the home would also result in a very awkward layout of the rooms of the house. The rooms would all be lined up and one would have to pass through each room to get to the next. Mr. Greenleaf also said that this layout would mean shutting off outside light sources because some rooms would have to be enclosed. Mr. Greenleaf also stated that there is a drop-off in the back yard, which would make expanding to the back of the home more difficult than expanding to the side, as proposed. Mr. Greenleaf

also clarified that the parking situation would remain as it is at present, with 2 parking spaces available in front of each unit of the duplex, for a total of 4 parking spaces. The modifications to the house would not change the parking in any way.

Mr. Denizard stated that he agrees with Mr. Marcantonio that a 6' wide porch is excessive and that it would interfere with the sight line as one looks down the road from the library. Mr. Denizard also asked if the town requirements regarding the building permit for the previously built deck have been satisfied. Mr. Church provided copies of receipts showing that he had paid \$234 for a building permit for the deck and an additional \$234 late filing fee for the permit, coming to a total of \$468.

Mr. Jühr stated that he is concerned about future further expansion of the home. Mr. Savastano stated there are no plans for expansion to the home beyond what is being requested in this application. Mr. Naylor asked if they had considered renovating the home by making the side-by-side duplex into an upstairs/downstairs two-family residence. Mr. Greenleaf stated that they had thought about it, but for several reasons decided that the proposed plans are the best for the purposes of the applicant. The reasons include not uprooting the residents of the adjoining unit, the steep steps and high ceilings are problematic from an architectural standpoint, and the roof would need to be altered to add dormers, which would require extensive work in order to utilize that space. The work proposed would be best

at minimizing the scope of the project.

Mr. Marcantonio made a motion to close the public hearing at 8:00 pm. The Chair seconded the motion, with all in favor.

Mr. Marcantonio stated that based on the following findings of fact:

1) according to P1, the neighbors have given their approval to the proposed changes, and

2) the parking arrangements will not be altered from their current state,

he makes a motion to approve the application, with the following stipulation:

1) that the porch width be 4'6".

Mr. Scarpelli seconded the motion. The Chair stated that he is troubled by the nature of these applications for dimensional variances because of future implications. He wants to be sure that the Zoning Board is not too cavalier about granting variances without evidence of hardship. The Chair took a roll call vote, as follows: AYE (in favor of granting the dimensional variance): Mr. Juh, Mr. Marcantonio, Mr. Scarpelli, Mr. Denizard, Mr. Kearns. The motion to approve the applicant's request for a dimensional variance was approved by a vote of 5-0.

Mr. Juh made a motion to adjourn at 8:07 p.m., seconded by Mr. Scarpelli, with all in favor.

Respectfully submitted,
Angela Pugliese, Clerk